



#21

In re Application of:

Examiner: K. Feggins

Group Art Unit: 2861

For: INK JET HEAD SUBSTRATE
HAVING HEAT GENERATING
RESISTOR AND INK JET HEAD
AND RECORDING METHOD
USING SAME

September 23, 2004

RECEIVED

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SEP 28 2004

OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. § 1.137(b) TO
REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Sir:

Applicants hereby petition the Commissioner under 37 C.F.R. § 1.137(b) to restore to pending status the above-identified application, which was held abandoned for failure to reply to the Notice of Allowance dated November 5, 2002.

In accordance with 37 C.F.R. §1.137(b)(2), enclosed is a check in the amount of \$1,330.00 in payment of the petition fee required under 37 C.F.R. § 1.17(m). In conformity with 37 C.F.R. §1.137(c), and in response to the Notice of Allowance, submitted herewith are a Request for Continued Examination (RCE) and check in the amount of \$770.00 in payment of the RCE fee, and a Preliminary Amendment. Please charge any additional fee, and credit any overpayment, to Deposit Account No. 06-1205.

09/27/2004 CCHAU1 00000044 09677867

01 FC:1801
02 FC:1453

~~770.00 OP~~
1330.00 OP

12/2004 AXELLEY 0006807 06205
12/2004 AXELLEY 0006807 06205

Because this application was filed after June 8, 1995, no Terminal Disclaimer is required.

The entire delay in filing the required reply to the Notice of Allowance until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional. Applicants note that the Notice of Allowance dated November 5, 2002, was mailed in spite of a proper request for a three-month suspension of action from August 21, 2002, to November 21, 2002. Applicants submitted a Request for Withdrawal of Notice of Allowance on February 5, 2003, and based on a telephone conversation with Examiner Feggins, Applicants understood that the Notice of Allowance was to be withdrawn. Applicants subsequently submitted to the Office a Preliminary Amendment dated May 29, 2003, further amending the claims, and a Supplemental Information Disclosure Statement and Status Inquiry dated July 17, 2003. Applicants received from the Office a Decision on Petition to Vacate Office Action (Decision) dated June 24, 2004, and Notice of Abandonment dated July 22, 2004. One of Applicants' attorneys has reviewed the Decision and Notice of Abandonment with a representative from the Petitions Branch, and Applicants have determined, in an effort to restore the above-identified application to pending status and advance this application to issue, to file this Petition.

In view of the foregoing, the Commissioner is respectfully requested to return this application to pending status and advance this application to issue.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Leonard P. Diana", is written over a horizontal line.

Leonard P. Diana
Attorney for Applicants
Registration No. 29,296

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